

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAWN A. PYERITZ, Administratrix)	
of the Estate of Daniel E.)	
Pyeritz, Deceased; and DAWN A.)	
PYERITZ, parent and natural)	
guardian of NICOLE L. PYERITZ,)	
a minor, and CHRISTOPHER E.)	
PYERITZ, a minor; and DAWN A.)	
PYERITZ, an individual in her)	Civil Action No. 03-1339
own right;)	Judge Donetta W. Ambrose/
)	Magistrate Judge Sensenich
Plaintiffs)	
)	
v.)	
)	
LOGGY BAYOU ENTERPRISE; and)	
GAME TRACKER INCORPORATED;)	
)	
Defendants)	

MEMORANDUM ORDER

On September 16, 2003, this case was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 71.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on December 16, 2005, recommended that Plaintiffs' Petition to Approve Settlement of Death Claim be granted and that the distribution of proceeds be in accord with Exhibit C of the Petition. It further recommended that the proceeds of the settlement be allocated \$2,000.00 to the Survival Act claim and \$198,000.00 to the Wrongful Death claim. The parties were


allowed (10) days from the date of service to file objections. Service was made on all parties. Objections to the Report and Recommendation have not been filed. Defendant Loggy Bayou Enterprise waived its objections to the Report and Recommendation on December 19, 2005. After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 27th day of Jan, 2006;

IT IS HEREBY ORDERED that Plaintiffs' Petition to Approve Settlement of Death Claim is granted and the distribution of proceeds shall be in accord with Exhibit C of the Petition.

IT IS FURTHER ORDERED that the proceeds of the settlement shall be allocated \$2,000.00 to the Survival Act claim and \$198,000.00 to the Wrongful Death claim.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Sensenich, dated December 16, 2005, is adopted as the opinion of the court.


Donetta W. Ambrose, Chief Judge
United States District Court

cc: The Honorable Ila Jeanne Sensenich
United States Magistrate Judge

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